

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/737,064
Filing Date: 12/16/2003
Applicant(s): Raymond Hornback, Jr.
Entitled: COMPONENTIZED APPLICATION SHARING
Examiner: Sathyanaraya V. Perungavoor
Group Art Unit: 2624
Attorney Docket No.: LOT920030076US1 (7321-030U)

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted under 37 C.F.R. § 41.41 in response to the EXAMINER'S ANSWER dated March 27, 2008.

The Examiner's response to Appellant's arguments submitted in the Appeal Brief of January 28, 2008, raises additional issues and underscores the factual and legal shortcomings in the Examiner's rejection. In response, Appellant relies upon the arguments presented in the Appeal Brief of January 28, 2008, and the arguments set forth below.

In response to the arguments presented on pages 5 through 7 of the Appeal Brief, the Examiner asserted the following on page 11 of the Examiner's Answer.

Regarding claim 1, Roylance discloses the limitation as follows, "each of said different pluggable image processing modules (i.e. 206 and 306) being selectable (i.e. selectively routing data through the modules in accordance to required processing) to meet requirements of a shared application hosted (i.e. message generator) in the shared application host (i.e. 118)" [paras. 0035-0037 and page 4] claim 1]. Roylance states "In step 504, a first message is provided to a first logic module 306. Next in step 506, the first logic module 306 processes the data associated with the first message. Either upon completion or during processing of the first message image data, as depicted in step 508, a subsequent message can be provided to another logic module 306. This subsequent message identifies image data to be processed by the other logic module" (para. 0035). Thus, the image data will be shared with multiple logic modules.

The Appellants already had previously argued, however, that nowhere in Roylance is it suggested that an image processing module is selected in order to meet requirements of a shared application. Specifically, on page 6 of the Appeal Brief Appellants argued:

As it will be apparent from paragraph [0035], there is no selection of an image processing module in order to meet the requirements of a shared application.

In fact, Appellants emphatically observed on page 7 of the Appeal Brief that Roylance does not contemplate, hint, suggest or otherwise teach a "shared application" let alone the selection of an image processing module in order to meet the requirements of a shared application. Specifically, Appellants stated

Thus, paragraph [0032] only stands for the proposition of message passing and provides no insight into shared applications or image processing modules being selected in order to meet the requirements of a shared application as set forth in the plain language of Appellants' claims.

Examiner, in Examiner's Answer, however, persists in stretching the meaning of shared application beyond comprehension in stating

Additionally, the term "shared application" is broadly recited in the claims and is not given any specific description as to the type of shared application. Roylance clearly states "support buses 308 provide either dedicated or shared data paths

over which image data (and any associated control data) can be shared between various logic modules 306 (para. 0026)

Examiner's zealous quest to read Roylance on to Appellants claims leads Examiner to equate the sharing of image data ("image data can be shared") to a "shared application". Examiner has stepped over the line in persisting in this argument before the Honorable Board.

Of note, in respect to Examiner's rejections based upon De Querioz, Examiner still fails to set forth a coherent argument and Examiner still refuses to address Appellants' arguments set forth throughout the prosecution history of the instant application. On page 8 of the Appeal Brief, Appellants stated:

The Examiner in the Advisory Action of November 21, 2007, however, provided NO response to Applicants arguments. Further, Examiner waited until the Advisory Action of November 21, 2007 to substantively address Appellants' arguments from the original Amendment of July 30, 2007. Nevertheless, as the Examiner has failed to provide even the slightest substance to the stated rejections based upon Roylance and de Querioz and further since both references wholly lack recited elements of Appellants' independent claims, the Examiner has failed to set forth either a prima facie case of anticipation, or a prima facie case of obviousness. Accordingly, Appellants respectfully request the reversal of all of the Examiner's rejections based upon this inherent deficiency of de Querioz.

Remarkably, in response to Appellants repeated argument, Examiner only states in the Examiner's Answer,

Regarding claim 1, De Queiroz discloses the limitation as follows, "each of said different pluggable image processing modules (i.e. M1-M4) being selectable (i.e. selecting the most appropriate module) to meet requirements of a shared application hosted (i.e. 104) in the shared application host (i.e. 10) [figs. 1 and 2; para. 0043].

A single sentence!

Examiner's brevity aptly summarizes Examiner's efforts in examining the instant application and stands in stark contrast to the requirements of 37 C.F.R. 1.104(c)(2) which states in pertinent part

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. **The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.**

Examiner has failed this most basic requirement set forth under the law.

For the reasons set forth in the Appeal Brief of January 28, 2008, and for those set forth herein, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. §§ 102 and 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-2158, and please credit any excess fees to such deposit account.

Date: May 19, 2008

Respectfully submitted,

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